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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,078	09/21/2001	Michal Lemaire	DN2001165USA	4361

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,078

Applicant(s)

LEMAIRE ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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1. Applicant's election without traverse of group I, claims 1-10 in Paper No. 4 is acknowledged.
2. Claims 11-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coretta et al. (US 5,411,626).

Coretta et al. discloses a process for building tires in which a plurality of tire building drums (2) are guided through a plurality of tire building stations along a linear path or axis that is parallel to the axis of drum rotation - note esp. col. 3, lines 48-58 and

fig. 1. Further, this system is an automated tire plant - e.g. note the preamble of claim 1 of the patent. This reference thus teaches each of the requirements of claim 1 except that the reference does not clearly indicate whether the drums are "independently moved". It however is submitted that it would have been obvious to provide such a capability for independent movement of the drums to provide the plant with extra flexibility in terms of accommodating different cycle times, etc. at the various work stations, it being stressed that a major goal of the Coretta system is to provide a versatile and flexible building system - none but the expected results would have been achieved.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coretta et al. (US 5,411,626) as applied to claims 1-2 above, and further in view of Kilborn (US 1,309,894) and/or Ostling et al. (US 1,964,363).

Coretta et al. does not indicate how the drums are moved between stations. It however is extremely well known in this art to use rails to support drums for movement among building stations - Kilborn and Ostling et al. are exemplary. To provide rails to guide the drums during their movement among stations would therefore have been obvious as required by claim 3. The typical flanged wheels that engage the rails would provide vertical and lateral guidance as required by claim 4.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coretta et al. (US 5,411,626) in view of Kilborn (US 1,309,894) and/or Ostling et al. (US 1,964,363) as applied to claims 1-4 above, and further in view of Hinline (US 3,355,339) and Raynes et al. (US 3,721,354).

As to claims 5-6, combining flat and v-shaped rails with corresponding wheels for support of moving assembly devices is known per se - note esp. rails 104 and 105 of Hineline as well as rails 18A, 20A, 18B, 20B of Raynes et al. and considered an obvious form for the rails in light of the known and conventional nature of this rail configuration.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coretta et al. (US 5,411,626) in view of Kilborn (US 1,309,894) and/or Ostling et al. (US 1,964,363) as applied to claims 1-3 above, and further in view of Hoehn et al. (US 4,718,810).

Hoehn et al. provides evidence that self-propelled vehicles or automated guided vehicles (AGV) are well known in multiple station production environments, this reference further indicating an understanding that additional positioning means are needed for accurate positioning at the work stations - note esp. col. 1, lines 5-22. To help provide the necessary alignment with the workstations, the reference teaches providing the independently movable vehicles to move along a track or rails 204/206 (see also col. 1, lines 35-44). In light of these teachings, the provision of self-propelled vehicles moving along the rails to transport the drums among stations would have been obvious to the ordinary artisan and lead to only the expected results including enhanced production flexibility and versatility.

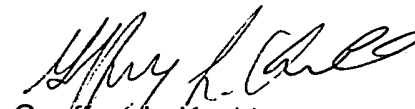
9. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although broadly the use of rails and self-propelled vehicles in a process using a multi-drum/multi station tire building line configured as claimed is considered to have been obvious for the reasons advanced in the rejections above, none of the closest prior art, whether taken singly or in combination is considered to teach or render obvious a process as required by claims 8-10 in which the drum is rested on the self-propelled vehicle for moving to and from the rail system with entry and exit ramps for raising and lowering the tire building drum off/on the vehicle in order to ride on the rail system while moving through the three or more work stations while resting on the vehicle while not moving through the stations as claimed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062 until 12/18/2003; 571-272-1220 thereafter. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
November 29, 2003